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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 USA,

9 Plaintiff,

10 v.

11 POSEY,

12 Defendant.

Case No. [18-cr-00408-CRB-1](#)

**ORDER DENYING COMPASSIONATE
RELEASE**

13 Karen Posey has moved for compassionate release under 18 U.S.C. § 3582(c)(1)(A). See
14 generally Mot. (dkt. 33). Because Posey has not satisfied the requirements of the applicable
15 Sentencing Commission policy statement, her motion for early release is denied. The Court
16 determines that there is no need for oral argument on this matter.

17 A reduction in sentence under § 3582(c) must be “consistent with applicable policy
18 statements issued by the Sentencing Commission.” Id. § 3582(c)(1)(A); see also Dillon v. United
19 States, 560 U.S. 817, 819 (2010) (holding that the Sentencing Commission policy statement
20 applicable to 18 U.S.C. § 3582(c)(2) remains mandatory, even after United States v. Booker, 543
21 U.S. 220 (2005)). The applicable Sentencing Commission policy statement, U.S.S.G. § 1B1.13,
22 directs that a court may only grant compassionate release if it determines that “[t]he defendant is
23 not a danger to the safety of any other person or to the community, as provided in 18 U.S.C.
24 § 3142(g).” Section 3142(g) lays out four factors for determining dangerousness: (1) “the nature
25 and circumstances of the offense charged,” (2) “the weight of the evidence against the person,”
26 (3) the history and characteristics of the person,” and (4) “the nature and seriousness of the danger
27 to any person or the community that would be posed by the person’s release.”

28 The Court finds that Posey would be a danger to the community if released. Posey took

1 advantage of her position as the finance manager for Sally Swanson Architects, Inc. to steal
2 \$253,006 from the company. PSR (dkt. 25) ¶¶ 6–22. Sally Swanson Architects, Inc. is an
3 architecture firm which specializes in making schools and other structures more accessible for
4 disabled individuals. Id. ¶ 6. Posey’s criminal history reveals a pattern of exploiting positions of
5 trust to steal from vulnerable victims, including a 1995 conviction for embezzling over \$300,000
6 from a church. Id. ¶¶ 21, 41–42. This Court specifically found there was no hope of rehabilitation
7 when it sentenced Posey to a thirty-six month prison term. See Weingarten Decl. Ex. 1 (dkt. 41-2)
8 13:4–6. Although these facts do not show that Posey would pose a physical danger to the
9 community if released, they do demonstrate that she poses a grave economic or pecuniary danger.
10 The Ninth Circuit has recognized in an analogous context that economic danger may be a reason
11 to deny pretrial release. United States v. Reynolds, 956 F.2d 192, 192 (9th Cir. 1992). The nature
12 and circumstance of Posey’s crime, the evidence against her, her history and characteristics, and
13 the nature and seriousness of the danger she would pose to the community if she were released
14 demonstrate that she is a danger under § 3142(g).

15 For the foregoing reasons, the motion for compassionate release is denied.

16 **IT IS SO ORDERED.**

17 Dated: June 1, 2020



18 CHARLES R. BREYER
19 United States District Judge
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